

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRIVLY DOBBINS,

Plaintiff,

v.

NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURG, PA,

Defendant.

Case No. 19-cv-10546

Paul D. Borman
United States District Judge

R. Steven Whalen
United States Magistrate Judge

**ORDER (1) ADOPTING MAGISTRATE JUDGE WHALEN'S
JUNE 1, 2021 REPORT AND RECOMMENDATION (ECF NO. 111);
(2) GRANTING DEFENDANT NATIONAL UNION FIRE INSURANCE
COMPANY'S CONSTRUED MOTION TO DISMISS (ECF NO. 105);
(3) AWARDING \$3,466.25 PAYABLE BY PLAINTIFF TO DEFENDANT
AS A RULE 37 DISCOVERY SANCTION; AND (4) DISMISSING
PLAINTIFF'S AMENDED COMPLAINT WITH PREJUDICE**

On June 1, 2021, Magistrate Judge R. Steven Whalen issued a Report and Recommendation, construing Defendant National Union Fire Insurance Company's Notice of Non-Compliance with the Court's Order of September 30, 2020 and Request that the Court Determine Defendant's Bill of Costs (ECF No. 105) as a motion to dismiss, and recommending that the motion be granted, that Defendant be awarded \$3,466.25, payable by the Plaintiff, as a Rule 37 discovery sanction, and that Plaintiff's Amended Complaint be dismissed with prejudice. (ECF No. 111, Report and Recommendation.)

Having reviewed the Report and Recommendation, and there being no timely objections from any party under 28 U.S.C. § 636(b)(1) and E.D. Mich L. R. 72.1(d), the Court ORDERS that:

(1) Magistrate Judge Whalen's June 1, 2021 Report and Recommendation (ECF No. 111) is ADOPTED;

(2) Defendant National Union Fire Insurance Company's construed Motion to Dismiss (ECF No. 105) is GRANTED;

(3) Defendant National Union Fire Insurance Company is AWARDED **\$3,466.25**, payable by Plaintiff, as a Rule 37 discovery sanction; and

(4) Plaintiff's Amended Complaint is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: June 22, 2021